

CHAPTER NO. 903

SENATE BILL NO. 2124

By **Womack, Burks, Graves, Crowe**

Substituted for: House Bill No. 2737

By Davidson, Hargrove, Sherry Jones, Fitzhugh, Maddox, McDonald, Cooper, West, Langster, Bunch, Kisber, Head, Hood, Lois DeBerry, Pruitt, Larry Miller, Ralph Cole, Kent, Todd, Montgomery, Phelan, Boyer, Stulce, Ronnie Davis, Whitson

AN ACT To amend Tennessee Code Annotated, Title 8, Chapter 36, Part 8 and Title 49, Chapter 5, relative to employment of retired teachers.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 8, Chapter 36, Part 8, is amended by adding the following as a new, appropriately designated section:

8-36-8\_. Notwithstanding any provision of law to the contrary, any person retired for at least one (1) year from the Tennessee Consolidated Retirement System, from any superseded system administered by the State of Tennessee, or from any local retirement fund pursuant to Chapter 35, Part 3 of this title may accept employment as a kindergarten through twelfth grade teacher without loss or suspension of retirement benefits under the following conditions:

(1) The retired member holds any teacher's professional license or certificate as may be required in Title 49, Chapter 5;

(2) The superintendent or director of schools of the employing school system certifies in writing to the Division of Retirement and to the Commissioner of Education that the retired member has the requisite experience, training and expertise for the position to be filled and that no other qualified persons are available to fill the position;

(3) The Commissioner of Education certifies in writing to the Division of Retirement that the employing school system serves an area that lacks qualified teachers to serve in the position to be filled;

(4) The retired member shall not be entitled to tenure status as provided in Title 49, Chapter 5, Part 5;

(5) Such retired member shall not be eligible to accrue additional retirement benefits, accrue leave or receive medical insurance coverage as a result of such employment;

(6) The retired member shall not receive automatic credit for years of experience in determining compensation. Provided, however, the salary paid to such retired member for performing the teaching services shall not be less than the rate of compensation set by the school system for teachers with no

experience filling similar positions, nor shall such salary exceed eighty-five percent (85%) of the rate of compensation set by the school system for teachers with comparable training and years of experience filling similar positions. Once such compensation is set, the retired member shall not be entitled to supplements paid under the career ladder program; and

(7) The retired member's appointment to serve as teacher cannot exceed one (1) year. The retired member may be reappointed to additional one (1) year periods provided the conditions contained in this section are met for each such reappointment, including the certifications required in subdivisions (2) and (3) above.

(b) The provisions of this section shall not be construed to prohibit any retired member or prior class member of the Tennessee Consolidated Retirement System, or any retiree of a local retirement fund receiving benefits in accordance with Chapter 35, Part 3 of this title from returning to service temporarily in a position covered by the Tennessee Consolidated Retirement System pursuant to § 8-36-805.

SECTION 2. Tennessee Code Annotated, Section 49-5-401(d), is amended by deleting the same in its entirety.

SECTION 3. Tennessee Code Annotated, Section 49-5-413, is amended by adding the following as a new subsection (b) and by redesignating the subsequent subsections accordingly:

(b) Any retired teacher applying for a position as a teacher in accordance with the provisions of Title 8, Chapter 36, Part 8, shall not be required to comply with the provisions of this section if the application is being made to the local board of education from which the teacher retired.

SECTION 4. Tennessee Code Annotated, Section 49-5-602(11), is amended by deleting the semicolon “;” at the end thereof and by substituting instead the punctuation and words “, but shall not include a retired teacher who is employed as a teacher in accordance with the provisions of Title 8, Chapter 36, Part 8;”.

SECTION 5. The provisions of this act shall be subject to the funding being provided in the General Appropriations Act. To fund the additional pension liability created by this act, the Commissioner of Education is directed to transfer to the Tennessee Consolidated Retirement System the following type funds: basic education program funds of local education agencies that on or after July 1, 2001, hire retired members who retired on or after April 1, 2000, as teachers pursuant to the provisions of this act and other funds which would have otherwise been payable to the agencies had the agencies not taken advantage of the provisions of this act.


SECTION 6. Section 1 of this act shall take effect on July 1, 2000, the public welfare requiring it and shall cease to be effective on June 30, 2005. The other provisions of this act shall take effect upon becoming a law, the public welfare requiring it.

PASSED: June 6, 2000

  
JOHN S. WILDER  
SPEAKER OF THE SENATE

  
JIMMY NAIFEH, SPEAKER  
HOUSE OF REPRESENTATIVES

APPROVED this 19<sup>th</sup> day of June 2000

  
DON SUNDQUIST, GOVERNOR